



## INTERIOR BOARD OF INDIAN APPEALS

Dewey County, South Dakota v. Great Plains Regional Director, Bureau of Indian Affairs

36 IBIA 107 (04/04/2001)



## United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

DEWEY COUNTY, SOUTH DAKOTA,	:	Order Affirming Decision
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 01-47-A
GREAT PLAINS REGIONAL	:	
DIRECTOR, BUREAU OF	:	
INDIAN AFFAIRS,	:	
Appellee	:	April 4, 2001

Appellant Dewey County, South Dakota, sought review of a November 16, 2000, decision issued by the Great Plains Regional Director, Bureau of Indian Affairs (BIA), concerning the proposed trust acquisition of approximately 40 acres for Mary Jane Anderson, a member of the Cheyenne River Sioux Tribe. The tract is described as the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , sec. 10, T. 15 N., R. 27 E., Black Hills Meridian, Dewey County, South Dakota.

The original decision in this matter was issued by the Superintendent, Cheyenne River Agency, BIA, on July 14, 2000. Appellant appealed that decision to the Regional Director, presenting its arguments in a Statement of Reasons. The Regional Director considered Appellant's arguments in rendering her decision.

In its appeal to the Board, Appellant made no arguments in its Notice of Appeal and did not file a brief.

The Board has twice before considered appeals from this Appellant in which the Appellant followed the same procedure--that is, it made arguments before the Regional Director but not before the Board. The Board summarily affirmed both decisions, holding that Appellant failed to show how the Regional Director erred in addressing the arguments Appellant made before her. Dewey County, South Dakota v. Acting Aberdeen Area Director, 34 IBIA 247 (2000); Dewey County, South Dakota v. Aberdeen Area Director, 34 IBIA 160 (1999). Both cases were decided long before this appeal was filed. Appellant is again represented by the same attorney. Thus Appellant was aware, before it filed this appeal, that the Board would summarily affirm the Regional Director's decision if Appellant did not provide reasons for its appeal.

For the same reasons discussed in the two prior cases, the Board finds that Appellant has failed to carry its burden of proof here.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Regional Director's November 16, 2000, decision is affirmed.

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

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//original signed  
Anita Vogt  
Administrative Judge